



OFFICE

LETITIA JAMES
ATTORNEY GENERAL

By ECF

Honorable Phillip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Marshall v. Annucci et al, 18-CV-6673

Dear Judge Halpern:

The application pursuant to Rule 30(a) of the Federal Rules of Civil Procedure to take the deposition of Dave Alicea, an inmate at Woodbourne Correctional Facility, is granted.

It is hereby ORDERED that the Superintendent or other official in charge of the Woodbourne Correctional Facility shall have inmate Dave Alicea (DIN# 14-A-3032) appear in such place as designated by the Superintendent or other official in charge of the Woodbourne Correctional Facility so that his deposition may be taken by video on February 9, 2022 at 10:00 a.m.

Counsel may issue a subpoena without the Court "so-ordering" it.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
January 19, 2022

I am an Assistant Attorney General in the Office Letitia James, Attorney General of the State of New York assigned to defense of this matter. I write pursuant to Federal Rule of Civil Procedure 30(a)(2)(B) to seek leave to take the deposition of a non-party incarcerated individual, Dave Alicea. Mr. Alicea submitted a declaration in this action in which he claims to have witnessed one of the assaults that form the basis of the lawsuit. A copy of Mr. Alicea's declaration is attached. Also attached is a proposed subpoena for Mr. Alicea's deposition. Defendants respectfully request the Court so order the subpoena in order for the facility in which Mr. Alicea is currently housed to produce him for the deposition.

Respectfully submitted,



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Encls.

cc: Amy Jane Agnew, Esq.
Josh Morrison
Ruairi Rogan, Esq.
Benjamin Wilson, Esq.